

## REMARKS/ARGUMENTS

Claims 1-34 are currently pending in the present patent application. Claims 5 and 30-31 are amended in a manner that does not affect the scope of the claims. In view of at least the following, all currently pending claims are in condition for allowance, and, therefore, the Applicants' attorney requests that the Examiner withdraw all outstanding rejections. ***However, if after considering this response the Examiner does not allow all of the claims, the Applicants' attorney requests that the Examiner contact him to schedule a telephone interview to further the prosecution of this application.***

**Rejection of claims 1-34 over U.S. Patent 6,922,702 to Jensen et al.  
(hereinafter, "Jensen") alone or in combination with one or more other  
references**

In the Office Action with a mail date of March 25, 2008, the Examiner invited the applicant to correct deficiencies which the Examiner believed to be present in the Declaration filed on December 19, 2007, namely that the declaration contained general statements with respect to completion of the invention and/or reduction to practice. The Examiner stated, "Applicant may correct this deficiency by giving a clear explanation of the exhibit pointing out exactly what facts are established and relied on by applicant." The applicant wishes to thank the Examiner for providing this opportunity to respond.

Accordingly, attached hereto is a Declaration from Mr. John C. Stewart, showing that the exhibit software program (entitled "Lipon2.exe") submitted with the Declaration filed December 17, 2007, is an embodiment of the present invention that includes the features of claims pending in the present application.

The Declaration and Exhibits filed December 17, 2007, show that the inventor

conceived the claimed invention in the United States before August 31, 2000, which is the purported effective date of Jensen, and was diligent in reducing the invention to practice, as evidenced by the furnishing of a software embodiment of the invention to outside counsel in November of 2000.

Applicants' attorney therefore respectfully requests that the Examiner withdraw all respective rejections that are based in full or in part on the Jensen reference.

### **Conclusion**

The absence of additional patentability arguments should not be construed as either a disclaimer of such arguments or that such arguments are not believed to be meritorious. In light of at least the reasons discussed herein, existing claims 1-4, 6-29 and 32-34 and amended claims 5 and 30-31 are in condition for allowance. Favorable consideration and a Notice of Allowance are respectfully requested. Should the Examiner have any further questions about the application, Applicant respectfully requests the Examiner to contact the undersigned attorney at (425) 455-5575 to resolve the matter.

In the event additional fees are due as a result of this amendment, payment for those fees has been enclosed in the form of a check. Should further payment be required to cover such fees you are hereby authorized to charge such payment to Deposit Account No. 07-1897.

Respectfully submitted,

GRAYBEAL JACKSON HALEY LLP

A handwritten signature in cursive script, appearing to read "James J. Carter", is written over a horizontal dotted line.

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